

III. REMARKS

Claims 1-35 are pending in this application. By this amendment, claims 1, 9, 14, 16, 23, 29, 30 and 35 have been amended. Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-35 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claims 1-35 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Hohndel *et al.* "Automated Installation of Linux Systems Using YAST", 1999, hereafter "Hohndel" and RedBooks, "e-Business Intelligenecc: Leveraging DB2 for Linux on S/390," hereafter "RedBooks."

A. REJECTION OF CLAIMS 1-35 UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Office has asserted that claims 1-35 are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office states that limitation "providing a plurality of control files" is indefinite because the specification allegedly describes providing of a single control file. Applicants respectfully disagree and direct the examiner to the Applicants' original specification, which recites

Once user 26 has entered/selected the necessary details, query system 46 will access resource server 22 to locate and query a control file 52 that pertains to the selected software platform. Specifically, a separate control file 52 preferably exists for each different software platform 54. Page 11, line 21 through page 12, line 1; see also page 13, lines 21-29.

To this extent, while a control file is located and queried based on the necessary details in an embodiment of the claimed invention, this control file is from a plurality of provided control files, each of which pertains to a different software platform. This is further borne out in the examples provided in Applicants' original specification in which a control file pertaining to Windows 2000 is accessed in one execution of the invention (page 13, lines 26-29) while a control file pertaining to Windows 95 is queried in another (page 16, lines 9-18). Thus, Applicants' original specification adequately describes providing of multiple control files. Accordingly, Applicant requests that the rejection be withdrawn.

B. REJECTION OF CLAIMS 1-35 UNDER 35 U.S.C. §102(e)

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); see MPEP § 2131, p. 2100-70. Applicant asserts that neither Hohndel nor RedBooks teaches each and every feature of the claimed invention. Initially, Applicant respectfully objects to the use of RedBooks to support features not taught by Hohndel. Applicant respectfully submits that the failure of Hohndel to teach this feature makes the rejection *prima facie* deficient under 35 U.S.C. §102(e).

Further, with respect to independent claim 1 and similarly claimed in claims 9, 14, 16, 23, 29, 30 and 35, Applicant submits that Hohndel fails to teach providing a plurality of control files, each control file pertaining to a different particular software platform and having entries of computer system identifiers pertaining to the particular software platform. The Office argues that the title of the Hohndel reference, "Automated Installation of Linux Systems Using Yast,"

teaches providing a control file. However, this title of Hohndel mentions nothing about the control file or that it is provided. Instead, the control file of Hohndel is taught elsewhere is being able to be added to a Linux boot disk after the file "syslinux.cfg" is manually altered. Page 262, paras. 5 and 6. To this extent, the control file is not automatically provided but rather can be added manually and, as such, is not an automated part of the "Automated Installation" of Hohndel.

Furthermore, the title of Hohndel does not teach a plurality of control files. Rather, Hohndel only a single control file that is able to be added to the Linux boot disk. Still further, Hohndel does not teach that each of a plurality of control files pertaining to a different particular software platform. In contrast, in Hohndel only only a single software platform, i.e., Linux, is contemplated. Thus, even were Hohndel to contemplate multiple control files, they would all contain information about the Linux software platform. As such, each control file of the plurality of control files of the claimed invention is unique in that it pertains to a different software platform and has entries of computer system identifiers *pertaining to that particular software platform*. Neither Hohndel nor RedBooks teaches this feature.

In contrast, the claimed invention includes "...a plurality of control files, each control file pertaining to a different particular software platform and having entries of computer system identifiers pertaining to the particular software platform." Claim 1. As such the providing step of the claimed invention, unlike the "Automated Installation" in the title of Hohndel that does not specifically mention and does not include the providing of a control file, instead provides a plurality of control files. Furthermore, unlike the single control file of Hohndel that only has information regarding the Linux software platform, each control file of the plurality of control

files of the claimed invention pertains to different particular software platform has entries of computer system identifiers pertaining to the particular software platform. For the above reasons, neither the title nor Hohndel as a whole teaches the providing step of the claimed invention. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

With further respect to independent claim 1 and similarly claimed in claims 9, 14, 16, 23, 29, 30 and 35, Applicant submits that Hohndel also fails to teach designating, by a user, a computer system and a software platform of a plurality of software platforms to be installed on the designated computer system using a graphical user interface. The Office also equates this feature with the title of Hohndel. The Office further equates the graphical user interface of the claimed invention with guiding a user step to step through the installation of Linux. However, the fact, if true, that Hohndel guides a user step to step through a task does not, in and of itself, necessitate use of a graphical user interface to do so. The step to step guiding could use text-based commands, text based instructions, or other guides that are well known in the art as being outside the purview of the term "graphical user interface." In fact, none of the description of the functionality of YaST in the Hohndel reference teaches or even suggests features resembling those of a graphical user interface.

Furthermore, neither the title of Hohndel nor the Office's explanation teaches that a user designates or selects a software platform to be installed on a computer system from a plurality of software platforms. Instead, only a single software platform, i.e. Linux, is taught as being available in both Hohndel and RedBooks.

In contrast, the present invention includes "...designating, by a user, a computer system and a software platform of a plurality of software platforms to be installed on the designated

computer system using a graphical user interface.” Claim 1. As such, unlike the title “Automated Installation of Linux Systems Using Yast” of Hohndel, in the designating of the claimed invention, the user designates a software platform to be installed on a computer system from a plurality of software platforms. Furthermore, the user designates this software platform using a graphical user interface. Thus, the designating step of the present invention is not taught by the title of Hohndel. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.


With respect to dependent claims, Applicant herein incorporates the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicant submits that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicant respectfully requests withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserves the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



Hunter E. Webb
Reg. No.: 54,593

Date: January 3, 2007

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew